

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SIDNEY D. JENKINS, III,

Plaintiff,

vs.

JOENE McGERR, RON
JENSEN, DON HOLBROOK,
GILBERT ALDEN, RICHARD
ZARAGOZA and CARLA
SHETTLER,

Defendants.

NO. CV-12-5078-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DISMISSING
COMPLAINT WITHOUT PREJUDICE
AND DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE

Magistrate Judge Imbrogno filed a Report and Recommendation on October 4, 2012, recommending Mr. Jenkins' Motion to Voluntarily Dismiss be granted. ECF No. 13. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion, ECF No. 11, is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff also filed a Motion and Affidavit to waive collection of the remaining balance of the filing fee in this action. For good cause shown, **IT IS ORDERED** Plaintiff's Motion, ECF No. 12, is **GRANTED** and the institution having custody of Mr. Jenkins shall cease collection of the filing fee in this action, cause number **CV-12-5078-CI**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff and

ORDER ADOPTING REPORT AND RECOMMENDATION . . . -- 1

1 **close the file.** The District Court Executive is further directed to send a copy of this
2 Order to the Office of the **Department of Corrections, Attn: LFO/COS UNIT, P.O.**
3 **Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate agency having
4 custody of Plaintiff. The District Court Executive also **shall** provide a copy of this Order
5 to the Financial Administrator for the United States District Court, Eastern District of
6 Washington.

7 **DATED** this 31st day of October 2012.

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9 *s/Robert H. Whaley*
10 **ROBERT H. WHALEY**
11 **SENIOR UNITED STATES DISTRICT JUDGE**
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